

107TH CONGRESS
1ST SESSION

S. 1569

To amend title 49, United States Code, to regulate the issuance of licenses to operate motor vehicles transporting hazardous material, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 18, 2001

Mr. HATCH introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to regulate the issuance of licenses to operate motor vehicles transporting hazardous material, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. TITLE.**

4 This Act shall be titled “The Hazardous Material in
5 Transportation Protection Act of 2001”.

6 **SEC. 2. LIMITATION ON ISSUANCE OF HAZMAT LICENSES.**

7 (a) LIMITATION.—

1 (1) IN GENERAL.—Chapter 51 of title 49,
 2 United States Code, is amended by inserting after
 3 section 5103 the following new section:

4 **“§ 5103a. Limitation on issuance of hazmat licenses**

5 “(a) LIMITATION.—

6 “(1) ISSUANCE OF LICENSES.—A State may
 7 not issue to any individual a license to operate a
 8 motor vehicle transporting in commerce a hazardous
 9 material unless the Secretary of Transportation has
 10 first determined, upon receipt of a notification under
 11 subsection (c)(1)(B), that the individual does not
 12 pose a security risk warranting denial of the license.

13 “(2) RENEWALS INCLUDED.—For the purposes
 14 of this section, the term ‘issue’, with respect to a li-
 15 cense, includes renewal of the license.

16 “(b) HAZARDOUS MATERIALS DESCRIBED.—The
 17 limitation in subsection (a) shall apply with respect to—

18 “(1) any material defined as a hazardous mate-
 19 rial by the Secretary of Transportation; and

20 “(2) any chemical or biological material or
 21 agent determined by the Secretary of Health and
 22 Human Services or the Attorney General as being a
 23 threat to the national security of the United States.

24 “(c) BACKGROUND RECORDS CHECK.—

1 “(1) IN GENERAL.—Upon the request of a
2 State regarding issuance of a license described in
3 subsection (a)(1) to an individual, the Attorney
4 General—

5 “(A) shall carry out a background records
6 check regarding the individual; and

7 “(B) upon completing the background
8 records check, shall notify the Secretary of
9 Transportation of the completion and results of
10 the background records check.

11 “(2) SCOPE.—A background records check re-
12 garding an individual under this subsection shall
13 consist of the following:

14 “(A) A check of the relevant criminal his-
15 tory data bases.

16 “(B) In the case of an alien, a check of the
17 relevant data bases to determine the status of
18 the alien under the immigration laws of the
19 United States.

20 “(C) As appropriate, a check of the rel-
21 evant international data bases through Interpol-
22 U.S. National Central Bureau or other appro-
23 priate means.

24 “(d) REPORTING REQUIREMENT.—Each State shall
25 submit to the Secretary of Transportation, at such time

1 and in such manner as the Secretary may prescribe, the
 2 name, address, and such other information as the Sec-
 3 retary may require, concerning—

4 “(1) each alien to whom the State issues a li-
 5 cense described in subsection (a); and

6 “(2) each other individual to whom such a li-
 7 cense is issued, as the Secretary may require.

8 “(e) ALIEN DEFINED.—In this section, the term
 9 ‘alien’ has the meaning given the term in section 101(a)(3)
 10 of the Immigration and Nationality Act.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
 12 tions at the beginning of such chapter is amended
 13 by inserting after the item relating to section 5103
 14 the following new item:

“5103a. Limitation on issuance of hazmat licenses.”.

15 (b) REGULATION OF DRIVER FITNESS.—Section
 16 31305(a)(5) of title 49, United States Code, is amended—

17 (1) by striking “and” at the end of subpara-
 18 graph (A);

19 (2) by inserting “and” at the end of subpara-
 20 graph (B); and

21 (3) by adding at the end the following new sub-
 22 paragraph:

23 “(C) is licensed by a State to operate the
 24 vehicle after having first been determined under

1 section 5103a of this title as not posing a secu-
2 rity risk warranting denial of the license.”.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated for the Department of
5 Transportation and the Department of Justice such
6 amounts as may be necessary to carry out section 5103a
7 of title 49, United States Code, as added by subsection
8 (a).

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